

Notice of Electronic Availability of Case File Information

11/01/04

Notice is being given to members of the Bar and litigants that images of documents and materials filed in civil actions in the Eastern District of Arkansas are posted to the Court's Internet web site. Any subscriber to PACER¹ will be able to read, download, store and print the full content of imaged documents. The Clerk's Office is not imaging or posting documents sealed or otherwise restricted by court order or Judicial Conference policy (see [Judicial Conference Policy on Public Access to Electronic Case Files, SEPT. 2001](#)). The following policies relate to the availability of electronic case file information in the United States District Courts:

- Documents in civil cases will be made available electronically, to the same extent that they are available at the courthouse, with one exception: Social Security cases will be excluded from electronic access.
- Sensitive information should not be included in any document submitted to the court unless such inclusion is necessary and relevant to the case. If sensitive information must be included, the following personal data identifiers must be partially redacted from the pleading:
 1. Social Security numbers to the last four digits,
 2. financial account numbers to the last four digits,
 3. dates of birth to the year,
 4. names of minor children to the initials, and
 5. home addresses to city and state.
- A party wishing to file a document containing the personal data identifiers may (see [Amendment to E-Government Act of 2002](#)):
 1. file an unredacted version of the document under seal. This document shall be retained by the court as part of the record. Or
 2. file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete identifier. The reference list must be filed under seal, and may be amended as of right. It shall be retained by the court as part of the record.

The court may, however, still require the party to file a redacted copy for the public file.
- Parties should exercise caution when filing documents that contain information implicating not only privacy but also personal security concerns such as:
 1. A personal identifying number such as a driver's license number;
 2. medical records, treatment and diagnosis;
 3. employment history;
 4. individual financial information;
 5. proprietary or trade secret information;
 6. information regarding an individual's cooperation with the government;
 7. information regarding the victim of any criminal activity;
 8. national security information; and
 9. sensitive security information as described in 49 U.S.C. §114(s).

- Documents filed in criminal cases will be made available electronically to the same extent that they are available at the courthouse once the Eastern District of Arkansas goes live with the case management/electronic case filing (CM/ECF) system (see [*Judicial Conference Policy on Privacy and Public Access to Electronic Criminal Case Files*](#)). The projected live date for CM/ECF is July 2005.

Counsel is strongly urged to share this notice with all clients so that an informed decision about the inclusion of certain materials may be made. Documents to be filed with the Clerk's Office should be carefully examined for sensitive, private information and appropriate action should be taken to protect this information from electronic public access, when necessary. **The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each pleading for compliance with this rule.**

¹PACER is the electronic public access service that allows users to obtain case and docket information from Federal Appellate, District and Bankruptcy courts via the Internet. Electronic access to imaged documents is available by registering with the PACER Service Center, the judiciary's centralized registration, billing, and technical support center.